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5 Attorneys for Plaintiff, Christopher Lee Dunn
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(SPACE BELOW FOR FILING STAMP ONLY)

CITY ATTORNEY

2011 MAY 16 AM 11:09

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES
10

11 CHRISTOPHER LEE DUNN,

12 Plaintiffs,

13 -vs-

14 BURBANK POLICE DEPARTMENT; CITY
OF BURBANK; AND DOES 1 THROUGH 25,
15 INCLUSIVE.

16 Defendants.
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) CASE NO.: BC 417928

) Complaint Filed: July 28, 2009

) Assigned to: Hon. Alan S. Rosenfeld, Judge
Dept: 31

) PLAINTIFF CHRISTOPHER LEE DUNN'S
NOTICE OF INTENTION TO MOVE FOR
NEW TRIAL

) DATE: None set
TIME: 8:30 a.m.
DEPT.: 31

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22 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

23 PLEASE TAKE NOTICE that Plaintiff Christopher Lee Dunn ("Plaintiff") intends to move
24 the court to vacate and set aside the judgment against Christopher Lee Dunn and in favor of
25 Defendant City of Burbank ("Defendant"), noticed by the court's clerk on April 25, 2011, and to
26 order a new trial on all issues. This motion will be heard at a time and place to be set by the Court
27 pursuant to Code of Civil Procedure Section 656 *et seq.*

28 //

1 This motion will be made on each and all of the following grounds, each of which materially
2 affected the substantial rights of the moving party and prevented fair and reasoned consideration of
3 Plaintiff's case and a fair trial.

- 4 (a) There were irregularities in the proceedings of the Court, including certain Orders
5 which prevented Plaintiff from having a fair trial.
- 6 (b) There was accident or surprise which ordinary prudence could not have anticipated.
- 7 (c) Plaintiff has discovered new and material evidence which could not have been
8 discovered or produced in Opposition to Defendant City of Burbank's Motion for
9 Summary Judgment.
- 10 (d) There was insufficient evidence to justify the decision.
- 11 (e) As a matter of law, the Motion for Summary Judgment should have been denied, as
12 requested by Plaintiff.

13 The motion will be based upon this Notice, supporting affidavits, the Motion for New Trial
14 and Memorandum of Points and Authorities in support thereof, all pleadings and documents filed
15 and lodged with the court, the Verdict and Judgment, exhibits, all other pleadings filed with this
16 court, and such other and further evidence and argument as the court may allow.

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18 DATED: May 11, 2011

LAW OFFICES OF RHEUBAN & GRESEN

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20 By: 
India S. Thompson
21 Attorneys for Plaintiff Christopher Lee Dunn
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1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles. I am over the age of eighteen and am not a
4 party to the within action. My business address is 15910 Ventura Boulevard, Suite 1610, Encino,
California 91436.

5 On May 12, 2011, the foregoing document, described as **PLAINTIFF CHRISTOPHER**
6 **LEE DUNN'S NOTICE OF INTENTION TO MOVE FOR NEW TRIAL** on the interested
parties, through their respective attorneys of record in this action by placing a true copy thereof
7 enclosed in sealed envelopes addressed as follows:

8 Robert J. Tyson, Esq.
Burke, Williams & Sorensen, LLP
444 South Flower Street, Suite 2400
9 Los Angeles, California 90071
Email: Rtyson@bwslaw.com

10 Carol Ann Humiston
11 Senior Assistant City Attorney
Office of the City Attorney
12 275 East Olive Avenue,
Burbank, California 91510-6459
13 Email: chumiston@ci.burbank.ca.us

14 XX **BY MAIL:** By placing a true copy thereof enclosed in a sealed envelope(s) addressed as
15 above, and placing each for collection and mailing on that date following ordinary business
16 practices. I am "readily familiar" with this business's practice for collecting and processing
correspondence for mailing. On the same day that correspondence is placed for collection
17 and mailing, it is deposited in the ordinary course of business with the U.S. mail Postal
Service in Los Angeles, California, in a sealed envelope with postage fully prepaid.

18 — **BY FACSIMILE:** Based on an agreement of the parties to accept service by facsimile
transmission, I faxed the documents to the person(s) at the facsimile numbers listed above.
19 The telephone number of the sending facsimile machine is (818) 815-2737. The sending
facsimile machine issued a transmission report confirming that the transmission was
20 complete and without error. A copy of that report showing the time of service is attached.

21 — **BY E-MAIL OR ELECTRONIC TRANSMISSION:** Based on a court order or an
agreement of the parties to accept service by e-mail or electronic transmission, I caused the
22 documents to be sent to the person(s) at the e-mail address listed above. My electronic
notification address is ag@rglawyers.com. I did not receive, within a reasonable time after
23 the transmission, any electronic message or other indication that the transmission was
unsuccessful. A copy of the electronic transmission showing the time of service is attached.

24
25 XX **STATE:** I declare under penalty of perjury under the laws of the State of California that the
above is true and correct.

26
27 EXECUTED on May 12, 2011, at Encino, California.

28 _____
Annette Goldstein